

REMARKS

This Response is submitted in response to the Final Office Action mailed February 18, 2004. Claims 1 to 23, 25 to 27 and 29 to 37 were previously pending in this application. Claims 1 to 23, 25 to 27 and 29 to 34 were rejected. Claims 35 to 37 stand allowed (please note that the Disposition of Claims of the Office Action Summary incorrectly lists Claims 35 to 37 as being subject to restriction and/or election). Enclosed with this Response are pages relating to prior art discussed herein. Claims 1, 12, 15 and 18 are being amended herein.

A three-month petition for extension of time to respond to the Office Action and a Request for Continued Examination ("RCE") are submitted herewith. Checks in the amount of \$950.00 and \$770.00 are submitted herewith to cover the cost of the three-month petition for extension of time and the RCE, respectively. Please charge Deposit Account No. 02-1818 for any insufficiency of payment or to credit any overpayment.

In the Office Action, Claims 1 to 3, 6, 12 to 18, 21, 22 and 24 to 28 were rejected under 35 U.S.C. § 103(a) as being obvious in view of the Multi-Bell Seven Way slot machine of 1936 ("*Multi-Bell*") shown and described at pages 120, 127 and 138 of Geddes et al., Slot Machines On Parade ("*Geddes*"). Claims 4, 5, 8, 9, 10, 11 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Geddes* and in further view of U.S. Patent No. 5,380,007 to Travis et al. ("*Travis*"). Claims 7, 23, 25 to 27, 29 and 30 to 34 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Geddes* and in further view of U.S. Patent No. 6,334,612 to Wurz et al. ("*Wurz*").

Claims 1, 12, 15 and 18 as presently presented overcome *Multi-Bell* and the art of record. The *Multi-Bell* reference is a mechanical slot-type gaming device. Applicants' representatives have obtained and reviewed the *Geddes* reference. In addition to the attached color photograph provided on page 127, which clearly highlights the features of *Multi-Bell*, Applicants have attached the written description of *Multi-Bell* found on pages 120 and 138 of *Geddes*. Pertinent portions of the written description are as follows:

The A. C. Novelty Multi-Bell, which came out in 1936, was a three-reel version of the Mills Brownie. The seven coin entries on the machine corresponded to six different fruit symbols and a bar on which the player could bet any combination of them. The winning symbol was determined

by the outcome of the first reel while the odds of that winner were determined by the third reel (the odds ranged between two-to-one to twenty-to-one) and if the same symbol appeared on all three reels on the center line, a jackpot was dispensed. The Multi-Bell was a remarkable machine and basically made a thirty-five cent machine out of a nickel machine. Unfortunately the machine was too complicated to understand and too complex to keep operating, hence its short production life of two years. The A and C in A. C. stood for Adolph Caille. Since he had sold his name when he sold the Caille Company, he was forced to use his initials which he still owned. This machine is thus regarded by many as the last machine that Caille ever made.

The written disclosure of *Multi-Bell* and the color photograph clarify certain features of *Multi-Bell*. First, the left-most reel, alone, determined whether or not the player won an award. Each wagerable number was associated with a symbol, e.g., fruit, bell or bar. Those symbols appear on the left-most reel in the photograph. A sign or message "winning number" along with an arrow pointing to the left-most reel is also shown in the picture.

The third reel of *Multi-Bell* determined the odds of the winner for determining the award. The odds ranged from two-to-one to twenty-to-one. A sign next to the third reel as seen in the photograph however states "odds paid" and includes an arrow pointing to the third reel. The term "odds paid" most likely relates to a multiplier that multiplies the wager placed on the winning number. Thus, if the player wagered on number six and six appeared on the left-most reel, the odds paid would determine the multiplier to multiply by the wager placed on the number six or five cents. If as seen in the photograph, the multiplier or odds paid is four, the player wins four times five cents or twenty cents.

The middle reel as disclosed on page 120 was provided to help determine whether the player won a jackpot award. The jackpot was paid for any generation of three of the same wagerable symbols or numbers one through seven of the *Multi-Bell* machine. If the wagered numbers/symbols appeared along a single payline of *Multi-Bell*, the player won the jackpot award. Possibly, the jackpot included the coins shown in the lower circular window of *Bell*, which sets forth the jackpot combinations.

Multi-Bell and the other mechanical slot machines do not teach or suggest Claims 1, 12, 15 and 18 as presently presented. Those claims recite one embodiment

disclosed in the present invention for increasing the odds of winning an award linearly as a wager component is increased. As seen in Figs. 12, 13 and 15, and the disclosure in connection with those figures, the combination of symbols needed to win the award can change based on the player's wager. That is, a variation of the odds per attempt of obtaining an outcome yielding a particular award are varied to achieve the desired linear relationship between the player's wager and the odds of obtaining the particular award.

Multi-Bell and the other mechanical slot machines do not teach or suggest a changing of winning symbols predetermined to win a particular award. As discussed above, the odds paid by *Multi-Bell* are randomly determined and are not associated with any particular outcome generated on the first reel. Because *Multi-Bell* does not teach outcomes predetermined to yield a designated award, the reference cannot teach varying the odds of obtaining such predetermined outcomes as in amended Claims 1, 12, 15 and 18. Moreover, any attempt to combine a reference having particular symbol outcomes that yield particular awards with *Multi-Bell* would destroy *Multi-Bell*. If the numbers of *Multi-Bell* are each assigned to an award, wagering multiple numbers would not increase the odds of winning any particular one of the awards. Even in that case, the claim is not met. Applicant therefore respectfully submits that Claims 1, 12, 15 and 18 and Claims 2 to 11, 13, 14, 16, 17 and 19 to 23 that depend respectively from those claims are each patentably distinguished of *Multi-Bell* and the other art of record.

Regarding the obviousness rejection of independent Claim 25 in view of *Multi-Bell* and *Wurz*, Applicants respectfully traverse the rejection. As the Office Action recognizes, *Multi-Bell* only provides one wagerable component, namely, how many coins to bet on a single payline of the machine. Multiple paylines are deemed to be obvious to combine with *Multi-Bell* even though the reference provides no suggestion of how such combination would take place, how multiple lines would operate with the "odds paid" third reel or the jackpot game using three reels. The Office Action at page 7 states that:

Obviously, if a bonus round were a payout of the base game, then the odds of winning entry into the bonus round would increase with the number of paylines bet and the amount wagered on each payline. As with all slot machines, the odds of winning increases when the number of paylines bet increases.

Obviously, therefore, the odds of winning in the bonus round (i.e., opportunities to achieve an award) increases as the number of paylines increases.

While the individual elements of Claim 25, namely, multiple lines, a variable wager per payline and a bonus game can be culled from the prior art, no reference teaches or suggests structuring a game according to Claim 25 taken as a whole. However, the references can only be connected by multiple assumptions to come to the terms of Claim 25.

The written description of *Multi-Bell* indicates that making the *Multi-Bell* game more complicated by adding a bonus game triggered by the single reel base game where a number of attempts in the bonus game would be based on a number of lines wagered, which also has to be added to *Multi-Bell*, would be disadvantageous, not advantageous. At page 138, the written description states that the machine was too complicated to understand and too complex to keep operating and that therefore it had a short operating life. Therefore, one skilled in the art of making wagering games (presumably with the goal of making games that are popular and not too complicated for players to play) viewing the *Multi-Bell* game would not appear to be motivated to add a bonus game and another wager component and their associated complexity to a game that already so complicated.

In short, the Office Action assumes that multiple lines could be used with *Multi-Bell*, although the reference provides no suggestion to that effect. It is also assumed that because *Multi-Bell* provides for a plurality of numbers on which to wager for a generation of the left-most reel of *Multi-Bell*, that if a bonus game is combined with *Multi-Bell*, which is also not suggested, the bonus game would likewise have an outcome that varies based on the number of imagined paylines that have been wagered. Applicants respectfully traverse this finding.

For each of the above reasons, Applicants respectfully submit that it would not be obvious and that there would be a disincentive, not motivation, to add another wager component and a bonus game to the disclosed *Multi-Bell* game. Applicants respectfully submit that Claim 25 and Claims 26, 27 and 29 to 34 that depend respectively from Claim 25 are each patentably distinguished over *Multi-Bell* and *Wurz*.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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